

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SONIA RUSSELL,

Plaintiff,

vs.

POSTMASTER GENERAL LOUIS
DEJOY, Postmaster General;

Defendant.

8:20CV533

ORDER

This matter is before the court on Defendant's motion for clerk's entry of default ([Filing No. 68](#)), motion for default judgment ([Filing No. 69](#)), motion to strike ([Filing No. 74](#)), and motion to stay ([Filing No. 76](#)). Specifically, Defendant seeks an order of default pursuant to Federal Rule of Civil Procedure 55(a) on the basis that Plaintiff failed to timely file a response to Defendant's motion for summary judgment. (See [Filing Nos. 68](#) and [69](#)). Moreover, Defendant moves to strike Plaintiff's filings in response to his motion to summary judgment as untimely filed and for failing to comply with the federal rules of civil procedure and/or the local rules, ([Filing No. 74](#)), and moves to stay the deadline for Defendant to reply to Plaintiff's filings. ([Filing No. 76](#)).

IT IS ORDERED:

1. Defendant's motion for clerk's entry of default ([Filing No. 68](#)) and motion for default judgment ([Filing No. 69](#)) are denied. See NECivR. 56.1(3).

2. Defendant's motion to strike ([Filing No. 74](#)) is denied in part. Plaintiff's response to Defendant's motion for summary judgment ([Filing Nos. 70](#), [71](#), [72](#), and [73](#)) are deemed timely filed. Any arguments relating to admissibility of evidence will be considered as part of the pending motion for summary judgment.
3. Defendant's motion to stay ([Filing No. 76](#)) is denied. Defendant may file a reply to Plaintiff's filings on or before May 5, 2023.

Dated this 21st day of April, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge